HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.27343 OF 1997

Dated 28th February, 2007

Between:

G. Kishtaiah, son of Bapu, aged about 46 years, working as Additional Assistant Engineer, CBD-V, Secunderabad.

.Petitioner.

And:

1. The Andhra Pradesh State Electricity Board represented by its Member-Secretary, Vidyuth Soudha, Somajiguda, Hyderabad and another.

…Respondents.

ORDER:

This writ petition is filed against the memo No. CE/Enq/DM.V/1234-P1/94-4, dated 14-6-1997 issued by the 1st respondent asking the petitioner to explain as to why disciplinary action proposed therein shall not be imposed against him.

It appears that while the petitioner was working as Additional Assistant Engineer at CBD-5, Secunderabad, an enquiry was initiated against him for dereliction of duties and that notices were also served in that connection. But, in the said enquiry, the petitioner did not participate.

It is his case that he was suffering with 'typhoid' for which he sent a telegram dated 17-3-1996 which was received by the Enquiry Officer on 18-3-1996. Thereafter, he wrote a letter dated 23-3-1996 requesting the Enquiry Officer to inform him about the next date of enquiry so as to enable him to participate in the said enquiry. But, the petitioner has not received any reply from the Enquiry Officer. Further, he wrote another letter dated 27-03-1996 explaining his health condition and requested the Enquiry Officer to fix the enquiry after ten

days. Though the said letter was also received by the Enquiry Officer on 29-3-1996, there was no response from the Enquiry Officer.

Thus, the main grievance of the petitioner is that though he sent telegram and letters requesting for adjournment of enquiry, an exparte enquiry was conducted and on the basis of which, the impugned show cause notice was issued to him.

While ordering notice before admission on 19.12.1997, this Court has granted interim suspension for a limited period and the same was extended subsequently on 29.1.1998 until further orders and thereby, the petitioner is continuing in the service for the last ten years.

In view of the above, the respondents are directed to conduct a fresh enquiry into the matter, if any, necessary at this length of time after giving him full opportunity to defend himself and pass appropriate orders as per law.

Accordingly, the writ petition is allowed to the extent indicated above.

_____

Justice C.VRAMULU

Dated 28-2-2007.

Dvs

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.27343 OF 1997

Dated 28-2-2007.